REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1 and 2 are rejected under 35 U.S.C. 102(b) over the patent to Saperston.

Also, claims 1 and 2 are rejected under 35 U.S.C. 103(a) over the patent to Monroe in view of the patent to Saperston.

The specification is objected to and the claims are rejected to, the title of the invention is objected to, the abstract is objected to, the drawings are objected to as well, and the claims are rejected under 35 U.S.C. 112.

In connection with the Examiner's formal objection and rejection, applicant has rejected the specification to bring it in compliance with the requirements of the U.S. Patent Practice.

A new title of the invention and a new abstract of the disclosure has been submitted, in compliance with the Examiner's requirements.

As for the drawings, the Examiner's consideration of the drawings, the PCT application has been gratefully acknowledged. This are the drawings which correspond to this application and therefore should be considered as an integral part thereof.

After carefully considering the Examiner's grounds for the rejection of the claims, applicant has canceled the original claims and submitted two new claims 3 and 4, which claim 3 as an independent claim, and claim 4 depends on claim 1. It is respectfully submitted that the new features of the present invention which are now defined in claim 3, the broadest independent claim are not disclosed in the references and can not be derived from it as a matter of obviousness. Claim 3, the broadest claim on file, defines a method which comprises the following steps:

comprising the steps of registering physical parameter biopotentials;

transforming and processing of obtained data with calculation of a biosignal characteristic generalized parameter;

transforming the biosignal characteristic generalized parameter on the basis of detected criterial correspondence into a control signal and forming an external sound effect;

implementing the external sound effect in form of generation of musical sounds by a parametric variation tone, volume and duration thereof in criterial relation to variation of discrete current values of the characteristic generalized parameter of a frequency spectrum of the transformed biosignal;

isolating from a register graphic information time intervals of identical duration and transforming the time intervals using Fourier harmonic analysis into a frequency spectrum;

for each spectral interval determining a generalized dimensionless parameter; in a numerical interval between minimum and maximum values of spectral interval generalized dimensionless parameter,

forming a proportional range of musical sound parameters;

determining for each spectral interval by numerical value of its generalized dimensionless parameter,

values of musical sound parameter and transforming the values; using a sound card;

transforming the values of musical sound parameters, using a sound card into signals which are formed in a sequence appropriate to original recorded discrete current alternations of the time intervals.

As can be seen from the language of claim 3, this claim defines new steps and a specific sequence of steps to provide a new method of influencing the body.

Turning now to the references and in particular to the patent to Monroe it can be seen that since this reference discloses a method of an apparatus for inducing desired states of consciousness. While it is true that this reference discloses using an EEG waveform, and also uses a Fourier transform, it can be clearly seen that it does not disclose the new features of the present invention as defined in claim 3. The patent to Saperston deals with a method for influencing physiological processes through physiological interactive stimuli in which the brain wave is defined is the Fourier transfer. Nevertheless, it is respectfully submitted that the present invention as defined in claim 3 is not disclosed in the references and can not be derived from them as a matter of obviousness.

First of all it is respectfully submitted that it is not obvious even to combine the references with one of another. While the patent to Monroe deals with a method for inducing desired states of consciousness, the patent to Saperston deals with a method of influencing physiological processes, which is a totally different area. Thus, it is believed that the combination of the

references can not be considered as obvious. Also, even if for some unknown and high improbable reasons a person of ordinary skill in the art combines the teachings of the references, you will still not arrive at the applicant's invention from a hypothetical method produced from the combination. While it is true that the Fourier transform is used in both methods, this is actually the only feature which is similar to the applicant's invention. As for the other features defined in the corresponding succession of the method steps of claim 3, in their interaction and interjuction the features of the steps of claim 3 are not disclosed in the references and can not be derived from them. The features of claim 3 are very specific and define, in corresponding succession a map how to influence the body in a specific inventive way. The method defined in claim 2 is not disclosed in the references and can not be derived from them as a matter of obviousness.

In order to arrive at the applicant's invention from the references, the references have to be fundamentally modified by including in the method disclosed in the reference the specific steps which are now defined in claim 3. However, the references are silent about a possibility of such modifications, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

> Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion for the modifications which would lead a person of ordinary skill in the art to arrive at the applicant's invention from the method disclosed in the references.

In view of the above presented remarks and amendments, it is believed that claim 3, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

As for claim 4, it defines an additional feature, which in combination of the features of claim 3 is not disclosed in the references and can not be derived from it as a matter of obviousness as well. Claim 4 should also be considered as patentably distinguishing over the art and should also be allowed.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 26-0085). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

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